A RESOLUTION

BY COUNCILMEMBERS MARY NORWOOD, CEASAR C. MITCHELL, H. LAMAR WILLIS, JOYCE SHEPERD, C. T. MARTIN, ANNE FAUVER AND CARLA SMITH

AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION ENCOURAGING THE JUDGES OF THE STATE AND SUPERIOR COURTS OF FULTON AND DEKALB COUNTIES TO IMPOSE BANISHMENT FROM THE CITY OF ATLANTA OR ANY PART THEREOF AS A CONDITION OF PROBATION FOR THE SECOND CONVICTION OF THE SAME OFFENSE COMMITTED WITHIN THE CITY OF ATLANTA; TO REQUEST THAT SAID JUDGES PROVIDE A COPY OF ANY SUCH ORDER IMPOSING BANISHMENT TO THE ATLANTA POLICE DEPARTMENT; AND FOR OTHER PURPOSES.

Whereas, banishing individuals from a community has long been a tool the courts could use during sentencing: and

Whereas, the Georgia appellate courts have held that banishment can be an appropriate measure; and

Whereas, making banishment a condition of probation, means that a person found in the forbidden area during his or her probation can be incarcerated based on a violation of probation; and

Whereas, banishment can provide a foundation for rehabilitation in that it provides an opportunity for a defendant to get a fresh start in a new environment; and

Whereas, banishment is a way to get repeat offenders out of a community, thereby relieving the community of a chronic problem.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

<u>Section 1:</u> The Judges of the State and Superior Courts of Fulton and Dekalb Counties are hereby encouraged to impose banishment from the **City of Atlanta or any part thereof**, as a condition of probation for the second conviction of the same offense committed within the **City of Atlanta**.

<u>Section</u> 2: The Judges of said courts are requested to provide a copy of any such order imposing banishment, to the Atlanta Police Department.

<u>Section 3:</u> Upon adoption and approval of this resolution, the Municipal Clerk is hereby requested to forward a copy of same to each of the Judges of the State and Superior Courts of Fulton and Dekalb Counties.

Section 4: All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

A RESOLUTION

BY COUNCILMEMBER MARY NORWOOD

1 AND 05- 2-0122

A RESOLUTION ENCOURAGING JUDGES TO IMPOSE BANISHMENT FROM THE COUNTY OR THE JUDICIAL CIRCUIT AS A CONDITION OF PROBATION FOR THE SECOND CONVICTION OF THE SAME OFFENSE COMMITTED IN SAID COUNTY OR JUDICIAL CIRCUIT AND FOR OTHER PURPOSES.

Whereas, banishing individuals from a community has long been a tool the courts could use during sentencing: and

Whereas, the Georgia appellate courts have held that banishment can be an appropriate measure; and

Whereas, making banishment a condition of probation, means that a person found in the forbidden area during his or her probation can be incarcerated based on a violation of probation; and

Whereas, banishment can provide a foundation for rehabilitation in that it provides an opportunity for a defendant to get a fresh start in a new environment; and

Whereas, banishment is a way to get repeat offenders out of a community, thereby relieving the community of a chronic problem.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: The Judges of the State and Superior Courts of Fulton and Dekalb Counties are hereby encouraged to impose banishment from the county or the judicial circuit as a condition of probation for the second conviction of the same offense committed in said county or judicial circuit.

<u>Section 2:</u> Upon adoption and approval of this resolution, the Municipal Clerk is hereby requested to forward a copy of same to each of the Judges of the State and Superior Courts of Fulton and Dekalb Counties.

Section 3: All resolutions or parts of resolutions in conflict herewith are hereby rescinded.